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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,602	07/08/2003	Fernando Encio Martinez	U 014708-0	8294

7590

04/29/2005

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New York, NY 10023

EXAMINER

COLE, ELIZABETH M

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/615,602

Applicant(s)

MARTINEZ ET AL

Examiner

Elizabeth M. Cole

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valerius, U.S. Patent No. 3,616,021 in view of Applicant's statement of the prior art at page 1, lines 15-24 of the specification. Valerius discloses a laminate material comprising a plurality of sheets of kraft paper which are impregnated with a phenolic resin which form a core of the laminate, (col. 2, lines 40-43), a paper layer which is impregnated with a melamine formaldehyde resin above the core layer, (col. 2, lines 44-45), and a thermoplastic film position above the impregnated paper layer, (col. 2, lines 48-49). The thermoplastic film layer may comprise polymethylmethacrylate (col. 3, lines 12-13), blends of polymethylmethacrylate with polyvinylidene fluoride, (col. 3, lines 14-15). Valerius differs from the claimed invention because Valerius does not disclose incorporating a wood layer in the laminate. Applicant's statement of the prior art at page 1, lines 15-24 teaches that it is known to incorporate a wood layer between the kraft paper core and the surface covering layers in order to form a strong board. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a wood layer in the material of Valerius since such inclusion was well known and produced a strong board as taught by the specification.

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3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Valerius in view of Applicant's specification at page 1, lines 15-24 as applied to claims 1,3,6, above, and further in view of SU 865873. Valerius does not teach that the thermoplastic film should comprise a top layer of polyvinylidene fluoride. SU '873 teaches transparent laminated material can comprise a surface layer of polyvinylidene fluoride to improve the durability of the laminate by maintaining transparency in corrosive environments. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a polyvinylidene fluoride surface layer on the PMMA layer of Valerius, motivated by the expectation that this would enhance the durability of the laminate in corrosive environments.
4. Claims 2, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Valerius in view of Applicant's spec. at page 1 as applied to claims 1, 3 and 6 above, and further in view of Mier, U.S. Patent No. 5,047,282. Valerius does not teach employing a formaldehyde resin which is modified with an acrylic polymer. Mier teaches at col. 2, lines 42-46 that acrylic-modified formaldehyde resins as well as combinations of melamine formaldehyde resins and acrylic resins are recognized as equivalent to melamine formaldehyde resins in the art of forming decorative surface layers on laminates comprising multiple paper layers. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed the resins disclosed in Mier in the laminate of Valerius since Mier teaches that these resins and resin

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combinations were known to be equivalents to the resins disclosed in Valerius as suitable for this purpose.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Valerius in view of Applicant's spec. at page 1 as applied to claims 1,3,6, above, and further in view of Moyer et al, U.S. Patent No. 3,767,430. Valerius does not teach employing a urea modified formaldehyde resin. Moyer et al teaches that urea formaldehyde resins are recognized as equivalent to melamine formaldehyde resins for use in forming the decorative surface layer in laminates. See col. 1, lines 11-38. Therefore, it would have been obvious to have employed a urea formaldehyde resin in the laminate of Valerius, because Moyer teaches that such resins were known to be equivalent to the resins disclosed in Valerius as suitable for this purpose.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (703) 872-9306.

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A handwritten signature in black ink, appearing to read "Elizabeth M. Cole". The signature is fluid and cursive, with the first name "Elizabeth" being more prominent than the last name "Cole".

Elizabeth M. Cole  
Primary Examiner  
Art Unit 1771

e.m.c